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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,461	10/21/2002	Thomas Ferry	126800	4029
23413	7590	05/22/2007		
CANTOR COLBURN, LLP 55 GRIFFIN ROAD SOUTH BLOOMFIELD, CT 06002			EXAMINER DUONG, FRANK	
			ART UNIT 2616	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/065,461

Applicant(s)

FERRY ET AL.

Examiner

Frank Duong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-17 is/are allowed.
- 6) ☒ Claim(s) 1-14, 18 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is a response to communications dated 03/07/07. Claims 1-20 are pending in the application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-14, 18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Zenith, OPERATION And MAINTENANCE MANUAL TRANSFER SWITCH CONTROL PANEL MX200 MICROPROCESSOR CONTROLLER, page 1-34, 1998 (hereinafter "Doc").

Regarding **claim 1**, in accordance with Doc reference entirety, Doc shows an automatic transfer switch (Fig. 1) comprising:

a housing (*see Fig. 1*);

a switch (R/T Box) for switching electrical connection from a first external power source (Normal Source) to a second external power source (*Emergency Source*) (*Normal and Emergency Sources are discussed on page 4*);

a first timer (*DW Timer is discussed on page 18 controlling how long the ATS stays open when transferring from Normal to Emergency*) and a second timer (*W3 Timer is discussed on page 19 providing an output prior to transfer*) disposed within said

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housing (*Fig. 1*), said first and second timers having first and second time delays, respectively (*factory default settings for DW and T3 Timers are 5 and 20 seconds, respectively as discussed on pages 18-19*);

said switch (R/T Box) responsive to said first and second timers (*pages 18-19 explain the DW and T3 timers controlling the operation of ATS (automatic transfer switch)*); and

wherein said second time delay (W3) is nested within said first time delay (DW) (*page 19, it is discussed W3 is a pre-signal timer providing an output prior to transfer and taking place prior to transfer to Emergency, thus, it is within the DW timer or it is nested within the DW timer*).

Regarding **claim 2**, in addition to features recited in base claim 1 (see rationales discussed above), Doc further shows a third timer (T3 Timer) disposed within said housing, said third timer having a third time delay (*see page 19 for explanation of T3 Timer*); said switch responsive to said third timer (*see description of R/T box responsive to timers in the controller*); and wherein said third time delay is nested (*see page 19*).

Regarding **claim 3**, in addition to features recited in base claim 1 (see rationales discussed above), Doc further shows a controller (Microprocessor includes Customer Input and Output (I/O, LCD and Keypad) disposed within said housing (*see Fig. 1*); wherein said switch (R/T box) and said first and second timers are responsive to said controller (*Microprocessor*) (*see page 2 pertaining Microprocessor*).

Regarding **claim 4**, in addition to features recited in base claim 3 (see rationales discussed above), Doc further shows a display (*Fig. 2*) disposed on said housing for

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displaying a status of at least one of said switch, said first and second timers, said nested time delays, and an external power source (*Fig. 2 and explanation on page 2*).

Regarding **claim 5**, in addition to features recited in base claim 4 (see rationales discussed above), Doc further discloses wherein: said display (*Fig. 2*) is responsive to said controller (Microcontroller) (*Fig. 2 and explanation on page 2*).

Regarding **claim 6**, in addition to features recited in base claim 3 (see rationales discussed above), Doc further discloses a control panel (Customer Input and Output (I/O) interface) disposed on said housing for inputting information to said controller (*Fig. 2 and explanation on page 2*).

Regarding **claim 7**, in addition to features recited in base claim 1 (see rationales discussed above), Doc further shows a third timer (T3 Timer) disposed within said housing, said third timer having a third time delay (*see page 19 for explanation of T3 Timer*); said switch responsive to said third timer (*see description of R/T box responsive to timers in the controller*); and wherein said third time delay is adjustable between zero delay time and an upper threshold delay time (*see page 19*).

Regarding **claim 8**, in addition to features recited in base claim 5 (see rationales discussed above), Doc further discloses an actuator (Relays) responsive to said controller; said switch responsive to said actuator (Relays); and wherein said actuator comprises an overcentering mechanism (Transformers) (*see page 2 and explanation pertaining R/T Box containing Relays which are required for controller output to energize the transferring mechanism of the transfer switch at line voltage and Transformers which drop line voltage to control level for controller input*).

Regarding **claim 9**, in addition to features recited in base claim 8 (see rationales discussed above), Doc further discloses a drive system (*Relays*) responsive to said controller; said actuator responsive to said drive system; and wherein said drive system is a high speed drive system (*see page 2 and explanation pertaining R/T Box containing Relays which are required for controller output to energize the transferring mechanism of the transfer switch at line voltage and Transformers which drop line voltage to control level for controller input*).

Regarding **claim 10**, in addition to features recited in base claim 1 (see rationales discussed above), Doc further discloses wherein said switch comprises electrical contacts (*Relays*), wherein said electrical contacts (*Relays*) are high pressure contacts (*see page 2 and explanation pertaining R/T Box containing Relays which are required for controller output to energize the transferring mechanism of the transfer switch at line voltage. In addition, this limitation is common in an automatic transfer switch having high voltage sources*).

Regarding **claim 11**, in addition to features recited in base claim 1 (see rationales discussed above), Doc further discloses wherein the beginning time of said second time delay (W3) is determined from the end time of said first time delay (DW) (*see page 19, it is disclosed W3 takes place prior to transfer to Emergency*).

Regarding **claim 12**, in addition to features recited in base claim 5 (see rationales discussed above), Doc further discloses wherein said second time delay is responsive to said controller; wherein said controller overrides the nesting of said

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second time delay nested within said first time delay; and wherein said second time delay is arranged serial to said first time delay (*see example on page 19*).

Regarding **claim 13**, in accordance with Doc reference entirety, Doc shows an automatic transfer switch control system (*MX200 CONTROLLER*) comprising: an automatic transfer switch (*Figs. 1-2*) configured to switch power service between a first power source (*Normal SOURCE*) and a second power source (*Emergency SOURCE*) (*Normal and Emergency Sources are discussed on page 4*), said automatic transfer switch (*Figs. 1-2*) comprising:

a switch (*R/T Box*), a first timer (*DW Timer*), a second timer (*W3 Timer*), a controller (*Fig. 1*), and a computer (*Microprocessor*); said switch (*R/T Box*) responsive to said first and second timers (*DW Timer and W3 Timer*); said first and second timers (*DW Timer and W3 Timer*) responsive to said controller (*Fig. 1*); said controller (*Fig. 1*) responsive to said computer (*Microprocessor*); wherein said first and second timers (*DW and W3 Timers*) have first (5 seconds) and second time delays (20 seconds), respectively, and said second time delay being nested within said first time delay (*pages 18-19 explain the all Timers and their purposes to include DW Timer controls how long the ATS stays open when transferring from Normal to Emergency and W3 Timer takes place prior transfer to Emergency Source that encompass W3 Timer is within DW Timer*).

Regarding **claim 14**, in addition to features recited in base claim 13 (*see rationales discussed above*), Doc further discloses wherein: said first timer has a first parameter setting and said second timer has a second parameter setting, and wherein;

said controller is responsive to said computer for establishing said first and said second parameter settings (*pages 18-19 also explain that the Timers are adjusted via SET menu explained on page 11 using the LCD and Keypad located on the exterior of the door depicted in Figure 2*).

Regarding **claim 18**, in addition to features recited in base claim 2 (*see rationales discussed above*), Doc further discloses wherein: said third time delay (T3) is nested within said first time delay (DW) (*page 19 explains default setting for T3 Timer is 20 seconds and T3 takes place prior to transfer to Normal; thus, it is within DW delay*).

Regarding **claim 19**, in accordance with Doc reference entirety, Doc shows an automatic transfer switch (*MX200 CONTROLLER*) comprising: a switch (Fig. 1; R/T Box) for switching electrical connection from a first external power source (Normal Source) to a second external power source (Emergency Source) (*Normal and Emergency Sources are discussed on page 4*); a plurality of timers configured to provide a first time delay (DW delay), a second time delay (W3 delay) and a third time delay (T3 delay), wherein initiation of said second time delay and initiation of third time delay are nested within said first time delay (*see pages 18-19 for explanation of Timers as discussed above*); and said switch responsive to said plurality of timers (*see page 2 for explanation of Relays in R/T Box are energized by Controller based on Timers*).

Regarding **claim 20**, in addition to features recited in base claim 1 (*see rationales discussed above*), Doc further discloses wherein: said initiation of said second time delay is subsequent to initiation of and prior to termination of said first time

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delay; and termination of said second time delay is coincident with or subsequent to termination of said first time delay (*see page 19 for explanation of W3 time delay*).

Allowable Subject Matter

3. Claims 15-17 are allowed.

4. The following is an examiner's statement of reasons for allowance: The prior art of record, considered individually or in combination, fails to fairly show or suggest the claimed method of switching an automatic transfer switch between a first and second power sources comprising, among other limitations, novel and unobvious limitations of *"receiving a first control signal at a first timer in response to a below-threshold signal at a primary source; initiating a first time delay at a first timer in response to said first control signal; receiving a second control signal at a second timer from said controller; initiating a second time delay at a second timer in response to said second control signal,"* structurally and functionally interconnected with other limitations in a manner as recited in claims 15-17.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lagree et al (USP 4,672,227).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank Duong whose telephone number is 571-272-3164. The examiner can normally be reached on 7:00AM-3:30PM, Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn D. Feild can be reached on 571-272-2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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May 14, 2007

A handwritten signature in black ink, appearing to read 'Frank Duong', written over a vertical line.

FRANK DUONG
PRIMARY EXAMINER